



AGENDA ITEM SUMMARY FORM

First Reading

File ID: #6154

Date: 06/26/2019

Requesting Department: Office of the City Clerk

Commission Meeting Date: 09/12/2019

Sponsored By:

Type: Ordinance

District Impacted: All

Subject: Consolidate - Waterfront

Advisory Board and Sea Level Rise

Committee

PURPOSE OF ITEM:

The City of Miami currently has over 40 boards with over 400 board members. The amount of resources that are being used to administer such a large number of boards and board members is costly and inefficient. On March 8, 2019, the City Commission directed the City Manager, City Attorney and City Clerk to realign the boards to create greater efficiencies and reduce costs associated with administering the boards. This ordinance, in conjunction with additional ordinances that seek to realign various boards, will save the City hundreds of thousands of dollars (\$600,000 in the first 10 years alone).

BACKGROUND INFORMATION:

The City of Miami currently has over 40 boards with over 400 board members. The amount of resources that are being used to administer such a large number of boards and board members is costly and inefficient. On March 8, 2019, the City Commission directed the City Manager, City Attorney's Office and City Clerk's Office to realign the boards to create greater efficiencies and reduce costs associated with administering the boards. This ordinance, in conjunction with additional ordinances that seek to realign various boards, will save the City hundreds of thousands of dollars (\$600,000 in the first 10 years alone).

Budget Impact Analysis

Item is NOT Related to Revenue
Item has NO budget impact
Item is NOT funded by Bonds

Total Fiscal Impact:

The fiscal impact will be positive due to cost savings.

Reviewed By

Office of the City Clerk	Todd B. Hannon	Department Head Review	Completed	06/26/2019 4:11 PM
Office of Management and Budget	Pedro Lacret	Budget Analyst Review	Completed	06/27/2019 11:21 AM
Office of Management and Budget	Christopher M Rose	Budget Review	Completed	06/27/2019 11:45 AM
City Manager's Office	Nikolas Pascual	City Manager Review	Completed	06/28/2019 11:53 AM

Legislative Division	Valentin J Alvarez	Legislative Division Review	Completed	06/28/2019 1:21 PM
Office of the City Attorney	Barnaby L. Min	Deputy Attorney Review	Completed	06/28/2019 1:48 PM
Office of the City Attorney	Victoria Méndez	Approved Form and Correctness	Completed	07/01/2019 5:26 PM
City Commission	Maricarmen Lopez	Meeting	Completed	07/11/2019 9:00 AM
City Commission	Nicole Ewan	Meeting	Completed	07/25/2019 9:00 AM
City Commission	Maricarmen Lopez	Meeting	Completed	09/12/2019 9:00 AM
Office of the Mayor	Mayor's Office	Unsigned by the Mayor	Completed	09/20/2019 3:52 PM
Office of the City Clerk	City Clerk's Office	Signed and Attested by the City Clerk	Completed	09/20/2019 4:31 PM
Office of the City Clerk	City Clerk's Office	Rendered	Completed	09/20/2019 4:31 PM



**City of Miami
Legislation
Ordinance
Enactment Number:13857**

City Hall
3500 Pan American Drive
Miami, FL 33133
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File Number: 6154

Final Action Date: 9/12/2019

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 2/ARTICLE XI/DIVISION 18 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED (“CITY CODE”), TITLED “ADMINISTRATION/BOARDS, COMMITTEES, COMMISSIONS/SEA LEVEL RISE COMMITTEE”; MORE PARTICULARLY BY CONSOLIDATING THE FUNCTIONS OF THE WATERFRONT ADVISORY BOARD AND THE SEA LEVEL RISE COMMITTEE INTO A NEWLY FORMED CLIMATE RESILIENCE COMMITTEE; FURTHER BY REPEALING, IN ITS ENTIRETY, CHAPTER 29/ARTICLE IV OF THE CITY CODE, TITLED “LANDFILLS AND WATERFRONT IMPROVEMENTS/WATERFRONT ADVISORY BOARD”; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Waterfront Advisory Board (“Board”) was created in 1988; and

WHEREAS, the Sea Level Rise Committee (“Committee”) was created in 2015 and later codified in 2016; and

WHEREAS, many of the duties and functions of the Board overlap with the duties and functions of the Committee; and

WHEREAS, the duplicate functions can be combined to address pressing environmental and waterfront issues, in a manner which efficiently utilizes the limited resources of the City of Miami (“City”); and

WHEREAS, on March 8, 2019, the Miami City Commission directed the City Manager to reduce/consolidate the number of City Committees and Boards; and

WHEREAS, the City Commission has determined it is appropriate to consolidate the functions of the Board and the Committee and to create a new Climate Resilience Committee which shall serve the function of both;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble to this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 2/Article XI/Division 18 of the Code of the City of Miami, Florida, as amended (“City Code”), is further amended in the following particulars:¹

¹ The herein authorization is further subject to compliance with all requirements that may be imposed by the City Attorney, including but not limited to, those prescribed by applicable City Charter and City Code provisions.

“CHAPTER 2

ADMINISTRATION

* * * *

ARTICLE XI.-BOARDS, COMMITTEES, COMMISSIONS

* * * *

Division 18. ~~Sea Level Rise Committee~~ Climate Resilience Committee

Sec. 2-1271. - Establishment and purpose.

The “~~Sea Level Rise Committee~~” (“~~committee~~”) ~~is established to serve in an advisory capacity to the city commission.~~ “Climate Resilience Committee” (“Committee”) shall serve in an advisory capacity to the City Commission and shall have the following specific duties: ~~The committee shall recommend changes to the Code of the City of Miami, Florida, as amended (“City Code”) and any City of Miami (“city”) policies necessary to help the City and its residents adapt to and prepare for the adverse impacts of sea level rise, including impacts related to storm surges, flood damage prevention, infrastructure, public health, water supply and quality, housing, and socioeconomics.~~

(1) The Committee shall recommend changes to the City Code and any City policy necessary to help the City, its residents, businesses, institutions, and natural systems adapt to, prepare for, and thrive in the various stresses related to climate change, including but not limited to emissions of greenhouse gases, increasing flood risks, increasing groundwater levels, more intense storms resulting in high tides and storm surges, increasing high heat days, salt water intrusion, drought, extreme weather events, and water and vector-borne illnesses.

(2) The Committee shall have the responsibility to review and evaluate issues related to the use, disposition, and/or development of City-owned waterfront property and shall provide advice to the City Commission concerning those issues and only such other matters as are referred to it by the City Commission in regard to City or public land abutting water. The City Commission shall not be bound by any recommendation or advice received from the Committee. The Committee is expected to be aware of City policies concerning development and coordinate its endeavors with other City committees and boards which will be affected by the Committee’s recommendations. Nothing herein is intended to interfere with or conflict with any existing provisions in the City Charter or City Code setting forth procedures concerning the development and/or disposition of City-owned waterfront property.

Sec. 2-1272. - Composition; appointment and terms of office of members; filling of vacancies.

~~Committee members originally appointed pursuant to Resolution No. 16-0254 shall remain on the committee, subject to the terms contained herein.~~ Members of the committee formerly known as the Sea Level Rise Committee serving at the time of the establishment of the Committee shall be appointed to serve as members of the Committee subject to the terms contained herein.

(a) *Composition and qualifications.* The committee shall consist of nine (9) voting members who shall be city residents, work in the city, own a business in the city, or own real property in the city. All voting members shall be invested in the city and serve without compensation. In addition:

- (1) At least one (1) member shall possess an expertise in civil engineering or architecture with a focus on infrastructure;
- (2) At least one (1) member shall possess an expertise in community and real estate development;
- (3) At least one (1) member shall possess an expertise in one (1) or more of the following areas: climatology, geophysics, coastal management, oceanography, or coastal ocean science;
- (4) At least one (1) member shall possess an expertise in emergency management;
- (5) At least one (1) member shall possess an expertise in economics; and
- (6) At least one (1) member shall possess an expertise in advocating for vulnerable low-income communities.

(b) *Appointment of voting members.* The nine (9) members shall be appointed to the committee as follows:

- (1) Each of the five (5) city commissioners shall appoint one (1) voting member to be ratified by majority vote of the city commission;
- (2) The mayor shall appoint one (1) voting member to be ratified by majority vote of the city commission;
- (3) The city manager shall appoint one (1) voting member to be ratified by majority vote of the city commission;
- (4) The city commission at-large shall appoint two (2) members; and
- (5) No alternates shall be appointed.

(c) *Automatic waiver for special counsel to the city and local government employees.* Any appointee contemplated in subsection (b) above (appointment of voting members) who may be currently serving as special counsel to the city by performing basic non-litigation legal services for the city may continue to do so and receive an automatic waiver from the commission to sit on the committee and continue assisting the city pursuant to City Code sections 2-612 and 2-614, as amended. Similarly, any appointee contemplated in subsection (b) above (appointment of voting members) who may be currently employed by Miami-Dade County, Florida, or any municipality therein, may receive an automatic waiver from the commission to sit on the committee and continue his or her government employment pursuant to section 2-884 of the City Code, as amended.

(d) *Term of voting members.* The voting members shall serve for a two-year term, but may continue to serve beyond the two-year term until a successor has been appointed and qualified. Membership shall be limited to three (3) full, consecutive terms; however, this limitation shall not prohibit any individual from being reappointed to the committee after a hiatus of two (2) years. Likewise, the limitation of membership to three (3) full, consecutive terms may be waived for a particular voting member by a unanimous vote of the members of the city commission to permit the voting member to be reconsidered annually for an additional one-year term.

(e) *Minimum attendance requirements.* Voting members should attend each meeting. Any voting member who is absent from more than three meetings in a given calendar year shall automatically be deemed to have vacated his or her position, except that absences allowed pursuant to subsection 2-886 (d) of the City Code shall not be counted. A voting member shall be deemed absent from a meeting when the member is not present at the meeting at least 75 percent of its duration. Nevertheless, the provisions of this subsection may be waived by a four-fifths (4/5ths) vote of the members of the full city commission pursuant to subsection 2-886(c).

(f) *Removal.* The city commission shall have the power to remove any member by majority vote without a finding of cause. The voting members appointed by the mayor and the city

manager may also be removed by the appointing official without a finding of cause subject to ratification by majority vote of the city commission.

(g) *Resignation.* Voting members may resign by submitting a signed letter of resignation to the city clerk. The city clerk shall immediately notify the appointing official of the vacancy. It shall be the obligation of each voting member to notify the city clerk if the member ceases to meet the qualification criteria set forth in subsection (a) above (composition and qualifications).

(h) *Vacancies.* In the event a vacancy occurs on the committee, whether automatically, by vote of the city commission, or by resignation of the member, the city commission may, by majority vote, appoint a qualified person to fill the remaining term of the vacant position. The appointment may be made at the next regularly scheduled meeting of the city commission or as soon as practicable thereafter. All such appointments shall be consistent with the membership requirements stated in subsection (a) above (composition and qualifications).

(i) *Waiver.* The city commission shall have the power to waive any of the requirements of subsection (a) above (composition and qualifications) by four-fifths (4/5ths) vote of the members of the full city commission, or a unanimous vote of the quorum that exists because of either abstentions or vacancies resulting from resignation, death, suspension, or physical incapacitation.

Sec. 2-1273. - Officers and subcommittees.

(a) At the initial organizational meeting, the members of the committee shall select and designate a chairperson and vice-chairperson from among the members of the committee who shall serve at the pleasure of the committee.

(b) Subcommittees. The committee may create and remove subcommittees as necessary.

Sec. 2-1274. - Meetings, parliamentary authority, rules and regulations.

(a) *Procedure.* The committee shall adopt its own order of business, rules of procedure, and bylaws to govern its meetings and actions not inconsistent with the provisions set forth herein, which shall be filed with the city clerk. Until the committee adopts its own rules of procedure, it shall follow Robert's Rules of Order (current edition) except that the provisions set forth herein shall control in case of conflict.

(b) *Notice and public participation.* All meetings and workshops of the committee and any of its subcommittees shall be noticed and open to the public as required by the state's Sunshine Law. In addition, the public shall be encouraged to submit oral and written comments to the committee.

(c) *Minutes.* The minutes of each meeting and workshop shall be taken by applicable staff and promptly made available by the city clerk. Such records shall be open to public inspection. Copies of minutes of all committee meetings shall be furnished to the mayor, city commissioners, city attorney, and city manager, upon request.

(d) *Quorum.* A minimum of 50 percent plus one of the committee's total voting members shall constitute a quorum for the purpose of convening any meeting. An affirmative vote of not less than 50 percent plus one of the voting members present at any meeting is required for any action to be taken by the members.

Sec. 2-1275. - Powers.

(a) The committee shall have the power to:

- (1) Hold public meetings to receive public and expert input;
 - (2) ~~Review any and all available information pertaining to sea level rise, including but not limited to its adverse impacts related to storm surges, flood damage prevention, infrastructure, public health, water supply and quality, housing, and socioeconomics~~ climate resilience, including but not limited to its impacts on infrastructure, public health, water supply and quality, ecosystem health, housing, and socioeconomics;
 - (3) ~~Review any and all issues related to the use, disposition, and/or development of City-owned waterfront property. Nothing herein is intended to interfere or conflict with any existing provisions in the City Charter or City Code setting forth procedures concerning the development and/or disposition of City-owned waterfront property.~~
 - (34) Request reports regarding the above from city departments through the city manager's office or designee;
 - (45) Comment on reports from city departments through the city manager's office or designee regarding updates to city infrastructure that may relate to the city's ability to adapt to ~~sea level rise and its adverse impacts, including but not limited to roads, transportation, solid waste facilities, storm water facilities, and buildings~~ increasing flood, heat, and storm risks and mitigate causes of climate change;
 - (56) Comment on reports from city departments through the city manager's office or designee concerning changes to the city's zoning ordinance and other land development regulations, flood damage prevention, or historic or environmental preservation regulations that may relate to the city's ability to adapt to sea level rise and its adverse impacts;
 - (67) ~~Inventory~~ Review City recommendations for investment priorities related to city infrastructure, including but not limited to roads, transportation, solid waste facilities, storm water facilities, buildings, and communities and ~~residencies~~ residences ~~most at risk from climate change, sea level rise, and its~~ their ~~adverse impacts;~~
 - (78) ~~Identify areas of the city most at risk from sea level rise and its adverse impacts~~ Review recommendations for applicable resilient design standards and best practices for adaptation, mitigation, and other considerations related to climate change, sea level rise, and their adverse impacts;
 - (89) ~~Identify applicable resilient design standards and best practices for adaptation, mitigation, and other considerations related to sea level rise and its adverse impacts~~ Review staff recommendations for appropriate climate change and sea level rise projections to be used in City infrastructure projects and planning;
 - (9) ~~Recommend appropriate sea level rise projections to be used in city infrastructure projects and planning;~~
 - (10) Recommend, from time to time, matters pertaining to the city's ability to adapt to climate change, sea level rise, and its ~~their~~ adverse impacts to be considered by the city's planning, zoning and appeals board; the city's historic and environmental preservation board; or other relevant city boards, committees, or commissions;
 - (11) Recommend any changes to the City Code, policies, guides, and standards, including but not limited to the matters listed herein, necessary to help the city and its residents adapt to and prepare for the adverse impacts of climate change and sea level rise;
 - (12) Undertake joint investigations or alliances regarding the above with educational, academic, not-for-profit, and other governmental entities and offices;
 - (13) Subject to city commission approval, which approval shall not be unreasonably withheld, engage experts who, as independent contractors, will provide analyses, reports, recommendations, and other resources, which shall be paid from funds available to the committee; and
 - (14) Prepare an annual budget to be presented to the city commission for approval.
- (b) The city manager shall retain sole authority to execute contracts and agreements subject to the limitations of City Charter and City Code. ~~However, the city manager may delegate to the city's office of sustainable initiatives the authority to execute contracts on behalf of the committee consistent with the limitations of City Charter and City Code, subject to committee approval.~~

(c) Any resolution of the committee recommending changes to city policy to the city commission shall be transmitted to the mayor, city commissioners, city attorney, and city manager for their consideration and action.

Sec. 2-1276. - Annual budget.

(a) *Procedure.* Upon the effective date of the enactment of the ordinance from which this division derives, the committee shall establish a fiscal year which coincides with that of the city. Within 60 calendar days following the effective date of the enactment of the ordinance from which this division derives, the committee shall submit to the city commission, in a form acceptable to the city manager, a mandatory annual budget for adoption and ratification by majority vote of the city commission. Nothing contained herein shall be construed to prohibit the committee from submitting a supplemental budget to the city commission for approval. All expenditures shall comply with city procedures for acquisition of goods and services.

(b) *Expenditures.* No expenditure shall be made in any given year without approval by the city commission of the committee budget for that year. In addition, the following shall apply:

(1) Expenditures shall primarily be made for the engagement of experts and consultants to provide analyses, reports, recommendations, and other resources or to implement programs to help the city and its residents adapt to and prepare for the adverse impacts related to sea level rise.

(2) No more than ten percent (10%) of the committee's budget shall be used to reimburse city employees for attendance at various conferences, seminars, and events. Voting members of the committee shall be responsible for paying their own expenses if they choose to attend various conferences, seminars, and events, and shall comply with the state's Sunshine Law when attending such conferences, seminars, and events.

(c) *No conflicts of interest.* Voting members of the committee shall comply with the conflict of interest provisions of the City Code, the conflict of interest and ethics ordinance of Miami-Dade County, and all other laws that may apply when preparing the annual budget and expenditures of the committee.

(d) *No deficiencies.* No provision contained in this division shall be construed to violate the Anti-Deficiency Act, as set forth in sections 18-500-18-503 of the City Code, as amended.

Sec. 2-1277. - Annual and quarterly reports.

(a) *Annual report.* The chairperson shall submit an annual report to the city manager on January 15 of each year pursuant to section 2-890 of the City Code, as amended.

(b) *Quarterly report.* The committee shall submit reports to the city commission and present the findings and recommendations of said reports at a meeting of the city commission on at least a quarterly basis.

(c) *Copies.* Copies of the committee's reports shall be made available online.

Sec. 2-1278. - Legal counsel.

The office of the city attorney shall provide an attorney to serve as legal counsel to the committee and shall provide legal advice on all matters considered by the committee.

Sec. 2-1279. - Liaison(s) to committee and assignment of staff.

Notwithstanding any provisions to the contrary contained in this Code, the city manager shall designate the administration's liaison(s) to the committee, ~~at least one of which shall be from the city's office of sustainable initiatives.~~ It shall be the duty of the city manager to provide administrative support to the committee, ~~which shall include the services of an individual to~~ an administrative liaison to the committee who will maintain committee correspondence, post meeting notices with the city clerk, file reports, and perform all other necessary support functions. In addition to any administration liaison(s) assigned to the committee, the city

manager shall designate representatives from the departments of Resilience and Public Works, Building, Planning, and Zoning, Real Estate and Asset Management, Resilience and Sustainability, and the Office of Capital Improvements, to attend committee meetings. Upon the committee's request, the city manager may also participate in deliberations of the committee and may offer technical and policy advice.

~~Sec. 2-1280. –Inapplicability of sunset provision.~~

~~The committee shall not be subject to the provisions of section 2-892 of the City Code, as amended.~~

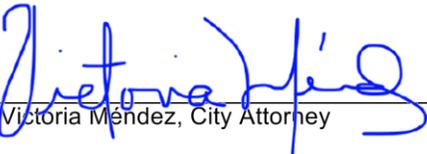
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Section 3. Chapter 29/Article IV of the City Code, titled “Landfills and Waterfront Improvements/Waterfront Advisory Board,” is further amended by repealing Sections 29-121 to 29-124 in their entirety and reserving said Sections.

Section 4. If any section, part of a section, paragraph, clause, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

Section 5. This Ordinance shall become effective thirty (30) days after its adoption and signature of the Mayor.²

APPROVED AS TO FORM AND CORRECTNESS:


Victoria Méndez, City Attorney 7/1/2019

² This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.